

Zimny, Chris

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From: Marty Berbach [MBerbach@dfg.ca.gov]  
Sent: Monday, March 27, 2006 10:23 AM  
To: Browder, Chris; Zimny, Chris; Hall, Dennis; JKessler@orminc.com  
Cc: Daniel Applebee; Dawn McGuire; Scott Flint; Tina Bartlett  
Subject: RE: Aspen Draft plead 3\_20\_06.doc

Chris - These are good comments and merit full discussion. I will not be at the April Board meeting in San Diego, either. I hope we can have further discussions at the May Board meeting at N. Tahoe. Thanks.

Marty Berbach  
Staff Environmental Scientist  
Timberlands Conservation Planning Program  
Habitat Conservation Planning Branch  
California Dept. of Fish and Game  
830 S Street  
Sacramento, CA 95814-7023  
Voice 916-327-8839  
Pager 916-328-7225  
Cell 916-799-8839

>>> "Browder, Chris" <Chris.Browder@fire.ca.gov> 3/24/2006 2:18 PM >>>  
Chris,

I have received comments from the field but may not have time to meet with Dennis about any changes to the proposed language before the 29th. I will not be at the next Board meeting but will make sure whoever goes from the Department is briefed on any concerns with the rule language. The Department supports the package but will likely have comments. With a little more warning we can put them together. Comments include:

- \* What constitutes an aspen stand: Species composition, acreage limit, etc.
- \* Will there be size limitations to the clearcutting?
- \* What is the balance between the protection and regeneration of aspen and maintaining the integrity of meadow habitat? Clearcutting aspen may promote a profusion of asexual reproduction through "suckering" from the existing root system. This would not be maintaining the integrity of meadow habitat.
- \* Aspen should be added to the list of Group B species in CCR 895.1 to support discussion of stocking, regeneration, seral stage, and impacts from fire.
- \* Is aspen already present but currently being suppressed by conifers or is this a "potential" aspen site?
- \* How would aspen in the WLPZ be handled?
- \* How would this impact a NTMP?

I cannot say definitively whether the above comments would be addressed in any official CDF recommendations. They are just comments field staff have presented after review of the rule language.

Chris

-----Original Message-----  
From: Zimny, Chris

Sent: Monday, March 20, 2006 1:41 PM  
To: Marty Berbach; John Kessler; Zimny, Chris; Browder, Chris; Hall, Dennis  
Subject: Aspen Draft plead 3\_20\_06.doc

Hi everyone-- here is the first draft of the Aspen restoration rule as presented by the proponents. Please edit and send back to this mail list. I will coordinate all changes. Our goal is to have agreeable draft rule text by 3/29 pre-mailing to the Board members. We will be adding this as an action item (recommendation for a 45 day notice of rulemaking) on the April agenda/Alpine meeting April 4th.--thanks--cz

Christopher Zimny  
Board of Forestry Regulation and Policy Coordinator  
California Department of Forestry and Fire Protection  
1416 9th Street  
P.O. Box 944246  
Sacramento, CA 94244-2460  
(916) 653-9418  
Fax 9916) 653-0989  
chris.zimny@fire.ca.gov

## Zimny, Chris

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From: Marty Berbach [MBerbach@dfg.ca.gov]  
Sent: Friday, March 24, 2006 11:13 AM  
To: Browder, Chris; Zimny, Chris; Hall, Dennis; JKessler@orminc.com  
Subject: RE: Aspen Draft plead 3\_20\_06.doc

Thanks Chris - one other thought: we need a definition of an aspen stand.

Marty

>>> "Zimny, Chris" <Chris.Zimny@fire.ca.gov> 3/22/2006 2:26 PM >>>  
Received Marty's comments. Chris Browder is also collecting CDF comments. I will try to consolidate Marty's and Chris's comments in a new draft for your review ASAP. Hopefully we'll have another draft for you to review prior to the 4/4 FPC meeting---thanks---cz

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-----Original Message-----

From: Marty Berbach [mailto:MBerbach@dfg.ca.gov]  
Sent: Wednesday, March 22, 2006 12:40 PM  
To: Browder, Chris; Zimny, Chris; Hall, Dennis; JKessler@orminc.com  
Subject: RE: Aspen Draft plead 3\_20\_06.doc

How about instead of "...wildlife and livestock..." replace with "...ecological or rangeland values..."?

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>>> "John Kessler" <JKessler@orminc.com> 3/21/2006 11:24 AM >>>  
Chris et. al.

The draft language looks good to me. I forwarded the draft to other SAF members involved with this issue. The only concern that has been raised is whether or not including livestock in 959.15 would cause approval to be postponed. What do you think?

John

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**Zimny, Chris**

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From: John Kessler [JKessler@orminc.com]  
Sent: Wednesday, March 22, 2006 2:44 PM  
To: Zimny, Chris; Marty Berbach; Browder, Chris; Hall, Dennis  
Subject: RE: Aspen Draft plead 3\_20\_06.doc

SAF thinks that it looks OK as written, but are flexible. We just don't want to get bogged down in word smithing. One person was concerned that some groups might be unhappy with adding livestock to 959.15, but I wouldn't think it would be a problem.  
Thanks - JK

John Kessler, CF  
Policy Chair, NorCal SAF  
P.O. Box 687  
McCloud, CA 96057  
530.964.9756  
jkessler@orminc.com

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Chris et. al.

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1008 Tenth Street, PMB #245  
Sacramento, CA 95814-3502



February 1, 2006

Stan Dixon, Chairman  
California Board of Forestry and Fire Protection  
PO Box 944246  
Sacramento, CA 94244-2460

RECEIVED BY

FEB 2 2006

BOARD OF FORESTRY  
AND FIRE PROTECTION

Dear Mr. Dixon:

We are writing in general support of the recent request (see enclosure) by the Northern California Society of American Foresters (NorCal SAF) to modify the Forest Practice Rules (FPR) to facilitate restoration of aspen (*Populus tremuloides*).

As part of its mission the Sacramento-Shasta Chapter of The Wildlife Society organizes workshops for educational purposes and to provide a forum for discussion of wildlife issues. Last July we cooperated with NorCal SAF to jointly sponsor a one-day workshop on aspen restoration projects. The participants included staff from State and federal agencies and several timber companies, university students and a cattle rancher. We toured a number of private and public projects in Lassen County. One of the participants suggested a minor change to the FPR for allowing aspen restoration projects to proceed more smoothly without being subject to conifer stocking requirements. There was general consensus among the other workshop participants that this proposal was a good idea.

We believe the NorCal SAF proposal is a worthy one because it will remove a legal technicality that currently makes it difficult to restore and regenerate aspen on private lands. Aspen restoration is one step towards restoring diverse wildlife habitats in California ecosystems. In particular, the regeneration of mesic, insect-rich aspen habitats within dry coniferous forests may enhance biodiversity at the landscape scale. At the same time, we note that the potential impacts of timber harvesting will continue to be assessed on a case by case basis per numerous other provisions of the FPR.

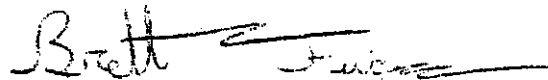


Page Two

Letter to Mr. Dixon, 2/1/06

Before sending you this letter, we canvassed our Chapter membership by electronic mail soliciting their opinions on the proposal. We received 3 responses and, with the consent of these persons, we also enclose their individual comments. If you have any questions about this letter of support from our Chapter, please contact me by telephone at (530) 225-3221, or by mail at the letterhead address. Thank you for your consideration of this item.

Sincerely

A handwritten signature in dark ink, appearing to read "Brett Furnas", with a long horizontal flourish extending to the right.

Brett Furnas, President  
Sacramento-Shasta Chapter of The Wildlife Society

Enclosures (4)

CC: Julie Lydick, Chair  
Northern California Society of American Foresters

3537 Fieldcrest Ave.  
Fairfield, CA 94534  
707-422-5897  
707-562-8921 (work)  
lydick3@sbcglobal.net



~~CONFIDENTIAL~~

Stan Dixon, Chairman  
California Board of Forestry and Fire Protection  
PO Box 944246  
Sacramento, CA 94244-2460

Sacramento, CA

Subject: Request to have 14 CCR 939.15 (northern) and 14 CCR 959.15 (southern) modified to facilitate restoration of aspen (*Populus tremuloides*)

Dear Mr. Dixon:

The Northern California Society of American Foresters (NorCal SAF) requests the California State Board of Forestry and Fire Protection modify 14 CCR 939.15 (northern) and 959.15 (southern) to facilitate the restoration of aspen (*Populus tremuloides*).

We are asking for this change because aspen regeneration and growth requires direct sunlight. It is a shade intolerant species and has been in decline in California's mixed conifer and eastside pine forest types because of conifer encroachment and competition. Thinning conifers out and away from aspen will help restore this important and limited forest component.

The current language at CCR 939.15 Protection of Wildlife Habitat [Northern];

All trees within meadows and wet areas may be clearcut and these are exempted from stocking provisions in order to attain or retain these areas for wildlife and livestock. These areas shall be shown on the plan map.

and CCR 959.15 Protection of Wildlife Habitat [Southern];

(a) Where present at the time of timber harvest, 400 sq. ft. basal area of oak per 40 acres should be retained and protected, giving preference to deciduous oaks. Oaks should be retained on areas designated by DFG as deer migration corridors, holding areas, or key ranges when consistent with good forestry practices.

(b) All trees within meadows and wet areas may be clearcut and these are exempted from stocking provisions in order to attain or retain these areas for wildlife and livestock. These areas shall be shown on the plan."

We propose that CCR 939.15 should be rewritten as;

All trees within aspen stands, meadows and wet areas may be clearcut and these areas exempted from stocking provisions in order to attain or retain these areas for wildlife and livestock, and to

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November 10, 2005

balance the protection and regeneration of aspen and meadow habitats in California's forest ecosystems with the other goals of forest management as specified in 14 CCR 897. These areas shall be shown on the plan map.

and CCR 959.15.

(a) Where present at the time of timber harvest, 400 sq. ft. basal area of oak per 40 acres should be retained and protected, giving preference to deciduous oaks. Oaks should be retained on areas designated by DFG as deer migration corridors, holding areas, or key ranges when consistent with good forestry practices.

(b) All trees within aspen stands, meadows and wet areas may be clearcut and these areas exempted from stocking provisions in order to attain or retain these areas for wildlife and livestock, and to balance the protection and regeneration of aspen and meadow habitats in California's forest ecosystems with the other goals of forest management as specified in 14 CCR 897. These areas shall be shown on the plan map.

The documents cited in the enclosure, references, demonstrate the ecological needs of aspen and the effectiveness of removing competing conifers.

Please contact me or John Kessler, NorCal SAF Policy Chair, if you have questions regarding this request. Thank you for your time and consideration.

Yours truly,

Julie Lydick, Chair  
Northern California Society of American Foresters

Cc:

John Kessler, Chair  
Policy Committee, NorCal SAF  
530 964-9756  
[linviohn@snowcrest.net](mailto:linviohn@snowcrest.net)

Enclosure: Reference

11/10/05 8:00 AM

## References

- Shepperd, Wayne D. 2004. Techniques to restore Aspen Forests in the Western U.S. Transactions of the Western Section of the Wildlife Society 40: 52- 60.
- DeByle, Norbert V.; Winokur, Robert P. eds. 1985. Aspen: Ecology and management in the western United States, USDA Forest Service Rocky Mountain Research Station. Fort Collins, CO. General Technical Report RM 119.
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- Jones, Bobette E., Rickman, T.H., Vazquez, A., Sada, Yukako, and Tate, K.W. 2005. Removal of encroaching conifers to regenerate degraded aspen stands in the Sierra Nevada. Restoration Ecology, vol. 13, no. 2, pp. 373-379.

O. F. JOE 12 8 P. 05 W. 13

From: "Motroni, Robert" <Robert.Motroni@fire.ca.gov>  
To: "Lee, Sara" <SLee@esassoc.com>, <bfurnas@dfg.ca.gov>  
Date: 12/28/2005 1:21:28 PM  
Subject: RE: Chapter Support Of Forest Practice Rules Change With Regard  
ToAspen

Hi Bret and Sara

I read over your proposal re aspen and the FPRs and have only minor comment. I support the language proposed. Although practicing foresters have this capability already it makes consideration of aspen regen. more explicit. It might be beneficial to consider another small change in language such that existing aspen stands are designated on the plan map regardless of their proposed treatment. That way there would be at least incremental additions to aspen inventory efforts currently underway on public lands. I may have additional comment before Jan 5 but wanted to relay these for your consideration. Best of luck.

**From:** Armand Gonzales  
**To:** Lee, Sara  
**Date:** 12/29/2005 10:06:52 AM  
**Subject:** Re: FW: Chapter Support Of Forest Practice Rules Change With Regard To Aspen

Sara,

Thanks for the opportunity to review the proposal. I have suggested some minor changes for the Boards consideration.

Thank you,

Armand

>>> "Lee, Sara" <SLee@esassoc.com> 12/23/2005 1:43 PM >>>

TWS Sacramento-Shasta Chapter Members:

The Sacramento-Shasta Chapter of The Wildlife Society and the Northern California Society of American Foresters (NorCalSAF) jointly organized a workshop on aspen restoration this past July. Discussions during that workshop have led directly to a petition before the Board of Forestry for a minor change in the Forest Practice Rules that govern timber harvesting on California private lands. The proposal is to exempt aspen from post-harvest stocking requirements making it easier to conduct aspen restoration projects where conifers are removed to favor aspen and aspen regeneration. The change would not alter site-specific review of environmental impacts as required by the Forest Practice Rules.

NorCalSAF is taking the lead on sponsoring this proposal. However, since the proposal grew out of a Chapter event, I propose that we write a letter of support for the change. If you are so inclined, please take a look at the draft Chapter letter (BOF\_letter\_2) I am proposing and the NorCalSAF proposal. Please email directly by January 5 at [bfurnas@dfg.ca.gov](mailto:bfurnas@dfg.ca.gov), if you have any questions, comments or concerns, which I will share with the other Sacramento-Shasta Chapter Executive Board members before we vote on this.

Thanks,

Brett Furnas  
President  
Sacramento-Shasta Chapter of The Wildlife Society  
[bfurnas@dfg.ca.gov](mailto:bfurnas@dfg.ca.gov)

**CC:** Bartlett, Tina; Berbach, Marty; Furnas, Brett

Brett Furnas  
President  
Sacramento-Shasta Chapter  
The Wildlife Society

December 29, 2005

Brett,

I believe the effort to support the SAF's proposal to modify the CCR 939.15 and 959.15 is worthwhile. However, the proposed language does not specify what types of trees can be harvested under the rule and therefore exempted from stocking requirements. I propose the following changes to the rule language that specifies conifer trees can be harvested from aspen stands under this rule. I also propose a size criteria be placed on those trees that would be harvested. It seems larger conifers in aspen stands are less of an issue with regards to shading and inhibiting aspen growth as their crowns are higher off the ground. Larger conifer trees also have inherent wildlife values and may be more valuable to resident wildlife than that benefit derived from removing them. Large conifer trees can still be harvest under other provisions in the FPRs but will not, under my proposal be exempted from stocking requirements when removed from an aspen stand. There should also be a definition developed describing an aspen stand under CCR 895.1.

SAF proposes that CCR 939.15 should be rewritten as;

All conifer trees less than 18 inches dbh within aspen stands, and all trees within meadows and wet areas may be clearcut and these areas exempted from stocking provisions in order to attain or retain these areas for wildlife and livestock, and to balance the protection and regeneration of aspen and meadow habitats in California's forest ecosystems with the other goals of forest management as specified in 14 CCR 897. These areas shall be shown on the plan map.

and CCR 959.15.

(a) Where present at the time of timber harvest, 400 sq. ft. basal area of oak per 40 acres should be retained and protected, giving preference to deciduous oaks. Oaks should be retained on areas designated by DFG as deer migration corridors, holding areas, or key ranges when consistent with good forestry practices.

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Thank you,

Armand Gonzales

From: Tina Mark <tmark@fs.fed.us>  
To: <bfurnas@dfg.ca.gov>  
Date: 1/4/2006 9:14:41 AM  
Subject: Fw: Chapter Support Of Forest Practice Rules Change With Regard To Aspen

Hi Brett,

While I am not a TWS Sacramento-Shasta chapter member, I am a member of the Western Section of TWS and I have first hand experience in aspen restoration and management with the Forest Service. I support the change in the exemption to restock conifers in the Forest Practice Rules to facilitate aspen restoration. However, I do not necessarily support clearcut harvesting for ALL aspen stands because each case warrants careful scrutiny that must weigh the balance between aspen enhancement and other resource values. Thanks for your support in this matter. Tina

\*\*\*\*\*

Tina Mark  
Wildlife, Aquatics, & Rare Plant Program Manager  
Tahoe National Forest, Supervisor's Office  
631 Coyote Street  
Nevada City, CA 95959

\*\*\*\*\*

e-mail: tmark@fs.fed.us  
Phone: (530) 478-6240  
~~~~~



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707-422-5897  
707-562-8921 (work)  
lydick3@sbeglobal.net



~~February 1, 2006~~

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California Board of Forestry and Fire Protection  
PO Box 944246  
Sacramento, CA 94244-2460

Sacramento, CA

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OUR JOB IS GROWING

❖ STEWARDSHIP HOT LINE 1 (800) 738-TREE ❖

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Please contact me or John Kessler, NorCal SAF Policy Chair, if you have questions regarding this request. Thank you for your time and consideration.

Yours truly,

Julie Lydick, Chair  
Northern California Society of American Foresters

Cc:  
John Kessler, Chair  
Policy Committee, NorCal SAF  
530 964-9756  
[linyjoh@snowcrest.net](mailto:linyjoh@snowcrest.net)

Enclosure: Reference

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From: "Motroni, Robert" <Robert.Motroni@fire.ca.gov>  
To: "Lee, Sara" <SLee@esassoc.com>, <bfurnas@dfg.ca.gov>  
Date: 12/28/2005 1:21:28 PM  
Subject: RE: Chapter Support Of Forest Practice Rules Change With Regard  
ToAspen

Hi Bret and Sara

I read over your proposal re aspen and the FPRs and have only minor comment. I support the language proposed. Although practicing foresters have this capability already it makes consideration of aspen regen. more explicit. It might be beneficial to consider another small change in language such that existing aspen stands are designated on the plan map regardless of their proposed treatment. That way there would be at least incremental additions to aspen inventory efforts currently underway on public lands. I may have additional comment before Jan 5 but wanted to relay these for your consideration. Best of luck.





**From:** Armand Gonzales  
**To:** Lee, Sara  
**Date:** 12/29/2005 10:06:52 AM  
**Subject:** Re: FW: Chapter Support Of Forest Practice Rules Change With Regard ToAspen

Sara,

Thanks for the opportunity to review the proposal. I have suggested some minor changes for the Boards consideration.

Thank you,

Armand

>>> "Lee, Sara" <SLee@esassoc.com> 12/23/2005 1:43 PM >>>

TWS Sacramento-Shasta Chapter Members:

The Sacramento-Shasta Chapter of The Wildlife Society and the Northern California Society of American Foresters (NorCalSAF) jointly organized a workshop on aspen restoration this past July. Discussions during that workshop have led directly to a petition before the Board of Forestry for a minor change in the Forest Practice Rules that govern timber harvesting on California private lands. The proposal is to exempt aspen from post-harvest stocking requirements making it easier to conduct aspen restoration projects where conifers are removed to favor aspen and aspen regeneration. The change would not alter site-specific review of environmental impacts as required by the Forest Practice Rules.

NorCalSAF is taking the lead on sponsoring this proposal. However, since the proposal grew out of a Chapter event, I propose that we write a letter of support for the change. If you are so inclined, please take a look at the draft Chapter letter (BOF\_letter\_2) I am proposing and the NorCalSAF proposal. Please email directly by January 5 at [bfurnas@dfq.ca.gov](mailto:bfurnas@dfq.ca.gov), if you have any questions, comments or concerns, which I will share with the other Sacramento-Shasta Chapter Executive Board members before we vote on this.

Thanks,

Brett Furnas  
President  
Sacramento-Shasta Chapter of The Wildlife Society  
[bfurnas@dfq.ca.gov](mailto:bfurnas@dfq.ca.gov)

**CC:** Bartlett, Tina; Berbach, Marty; Furnas, Brett

Brett Furnas  
President  
Sacramento-Shasta Chapter  
The Wildlife Society

December 29, 2005

Brett,

I believe the effort to support the SAF's proposal to modify the CCR 939.15 and 959.15 is worthwhile. However, the proposed language does not specify what types of trees can be harvested under the rule and therefore exempted from stocking requirements. I propose the following changes to the rule language that specifies conifer trees can be harvested from aspen stands under this rule. I also propose a size criteria be placed on those trees that would be harvested. It seems larger conifers in aspen stands are less of an issue with regards to shading and inhibiting aspen growth as their crowns are higher off the ground. Larger conifer trees also have inherent wildlife values and may be more valuable to resident wildlife than that benefit derived from removing them. Large conifer trees can still be harvest under other provisions in the FPRs but will not, under my proposal be exempted from stocking requirements when removed from an aspen stand. There should also be a definition developed describing an aspen stand under CCR 895.1.

SAF proposes that CCR 939.15 should be rewritten as;

All conifer trees less than 18 inches dbh within aspen stands, and all trees within meadows and wet areas may be clearcut and these areas exempted from stocking provisions in order to attain or retain these areas for wildlife and livestock, and to balance the protection and regeneration of aspen and meadow habitats in California's forest ecosystems with the other goals of forest management as specified in 14 CCR 897. These areas shall be shown on the plan map.

and CCR 959.15.

(a) Where present at the time of timber harvest, 400 sq. ft. basal area of oak per 40 acres should be retained and protected, giving preference to deciduous oaks. Oaks should be retained on areas designated by DFG as deer migration corridors, holding areas, or key ranges when consistent with good forestry practices.

(b) All conifer trees less than 18 inches dbh within aspen stands, and all trees within meadows and wet areas may be clearcut and these areas exempted from stocking provisions in order to attain or retain these areas for wildlife and livestock, and to balance the protection and regeneration of aspen and meadow habitats in California's forest ecosystems with the other goals of forest management as specified in 14 CCR 897. These areas shall be shown on the plan map.

Thank you,

Armand Gonzales

From: Tina Mark <tmark@fs.fed.us>  
To: <bfurnas@dfg.ca.gov>  
Date: 1/4/2006 9:14:41 AM  
Subject: Fw: Chapter Support Of Forest Practice Rules Change With Regard  
ToAspen

Hi Brett,

While I am not a TWS Sacramento-Shasta chapter member, I am a member of the Western Section of TWS and I have first hand experience in aspen restoration and management with the Forest Service. I support the change in the exemption to restock conifers in the Forest Practice Rules to facilitate aspen restoration. However, I do not necessarily support clearcut harvesting for ALL aspen stands because each case warrants careful scrutiny that must weigh the balance between aspen enhancement and other resource values. Thanks for your support in this matter. Tina

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Tina Mark  
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